

Application Serial No: 10/730,186
Reply to Office Action of 18 November 2004

Attorney Docket No. 83134

REMARKS / ARGUMENTS

Claims 3-6, 11 and 12 are currently pending in the application. Claims 3, 5 and 6 are allowed. Claims 4, 11 and 12 are rejected to. Claims 4, 11 and 12 have been cancelled without prejudice or disclaimer by this amendment.

In the Office Action, claims 4 and 11-12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Shirakawa (JP 08171987A). The Office Action states that Shirakawa discloses a microwave oven comprising a transducer (25) positionable on a surface within the microwave oven (1), wherein the surface support the container (6) for the liquid, said transducer (25) responsive to a source of energy such that said transducer (25) vibrates the surface thereby nucleating and allowing liquid to boil. The Office Action further states that it is inherent that the liquid is prevented from superheating; and wherein said transducer operates at ultrasonic frequencies. With regard to claim 11, "wherein the operation of said transducer is responsive to the operation of a timer". In the Official translated by the Ralph McElroy Translation Company, page 9, par. 0036, discloses the operation of ultrasound generator (25) is responsive to the operation of a timer.

In the Office Action, claims 3 and 5-6 were allowed for the following reason: the prior art of record does not show or suggest said transducer is capable of being energized by a

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pulsed impulse with sufficient amplitude to boil the liquid as recited in claims 3 and 5-6.

Applicant's arguments filed 9/20/04 have been fully considered but they are not persuasive.

Applicant argues that "Shirakawa reference recites the possible use of a sonicator 25 as an oscillating means" recited in Response to the Action, page 13; lines 7. In the Official translated by the Ralph McElroy Translation company, "sonicator means ultrasound generator". Therefore, it is inherent that the ultrasound generator 25 is operated at ultrasonic frequencies.

Applicant also argues that "the operation of the sonicator whether alone or as suggested in conjunction with the turntable does not teach nor suggest the use of a timer to activate the transducer after a present amount of time in the event that the container is left in the microwave oven the microwave oven has finished heating the liquid" recited in Response to the Action, page 14, lines 14-18. In claim 11 claimed" wherein the operation of said transducer is responsive to the operation of a timer" recited in lines 11-12. There is nothing in claim 11 that mentioned about "a timer to activate the transducer after a present amount of time in the event that the container is left in the microwave oven the microwave oven has finished heating the liquid". Shirakawa reference discloses the operation of said transducer is responsive to the operation of a timer

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(Official translated by the Ralph McElroy Translation Company,
page 9, par. 0036).

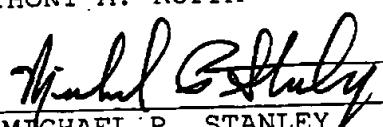
These rejections and objections are respectfully traversed
in view of these amendments and remarks.

In the Office Action, claims 4 and 11-12 were rejected
under 35 U.S.C. § 102(b) as being anticipated by Shirakawa (JP
08171987A). In response, claim 4 and 11-12 have been cancelled
without prejudice or disclaimer by this amendment; therefore,
the rejection of the Office Action is resolved for these claims.

As a result of the amendment to the claims and remarks
herein, applicant respectfully request reconsideration and
allowance of the application.

The Examiner is invited to telephone Michael P. Stanley,
Attorney for Applicants, at 401-832-6393 if, in the opinion of
the Examiner, such a telephone call would serve to expedite the
prosecution of the subject patent application.

Respectfully submitted,
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By 
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2 December 2004